

P-5550-1-C1

09/877,600

REMARKS

Reconsideration of the application and entry of the amendment are respectfully requested. Claims 1 to 48 are currently pending, claim 39 has been amended, and claims 15 to 38 and 40 to 48 have been canceled.

The Final Office Action mailed September 17, 2004 addressed claims 1 to 48. Claims 1 to 48 were rejected.

Claim 16 was rejected under 35 U.S.C. 102(b) as being anticipated by Newcomb (US 4,695,055). The Examiner stated that Newcomb discloses a golf ball formed from reaction injection molding, and the ball structure includes a homogeneous translucent plastic and a light stick inserted therein to make the golf ball multiple pieces. The Examiner concluded that column 1, lines 55 to 57 teach a polyurethane material for forming the ball.

Although Applicants continue to respectfully disagree with the Examiner, claim 16 has been canceled.

For at least these reasons, Applicants respectfully submit that claim 16 is not anticipated by Newcomb. Therefore, Applicants respectfully request that the rejection of claim 16 under 35 U.S.C. 102(b) be reconsidered and withdrawn.

Claims 40, 42 and 48 were rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan et al. (US 5,356,941). The Examiner stated that regarding claims 40 and 42, Sullivan discloses process for making a ball comprising a core and a cover, wherein the cover is made using RIM technique by injection of liquid urethane, and regarding claim 48, Sullivan discloses a golf ball comprising a urethane cover. The Examiner concludes that the recycled reactants are process/method steps and are not relevant to the final product.

Although Applicants continue to respectfully disagree with the Examiner, claims 40, 42 and 48 have been canceled.

For at least these reasons, Applicants respectfully submit that claims 40, 42 and 48 are not anticipated by Sullivan. Therefore, Applicants respectfully request that the rejection of claims 40, 42 and 48 under 35 U.S.C. 102(b) be reconsidered and withdrawn.

P-5550-1-C1

09/877,600

Claims 15 and 46 to 48 were rejected under 35 U.S.C. 102(e) as being anticipated by Cavallaro et al. (US 5,759,676). The Examiner stated that regarding claims 15 and 46, Cavallaro discloses a golf ball comprising a core and a cover, and the cover has a flex modulus greater than 80,000 psi and a thickness from 0.015 to 0.14 inch. The Examiner further stated that the reaction time is a process/method and is not relevant to the final product. Regarding claim 48, Cavallaro discloses a golf ball comprising a polyurethane cover. The Examiner concludes that the recycled reactants are process/method steps and are not relevant to the final product.

Although Applicants continue to respectfully disagree with the Examiner, claims 15 and 46 to 48 have been canceled.

For at least these reasons, Applicants respectfully submit that claims 15 and 46 to 48 are not anticipated by Cavallaro. Therefore, Applicants respectfully request that the rejection of claims 15 and 46 to 48 under 35 U.S.C. 102(e) be reconsidered and withdrawn.

Claims 16 to 23, 31 to 33, 35 to 38, 43 and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (5,334,673) in view of Sullivan (5,356,941). The Examiner stated that Wu discloses polyurethane golf ball parts (core or cover), but Wu does not disclose reaction injection molding (RIM). The Examiner further stated that Sullivan teaches a game ball comprising a cover formed by reaction injection molding (RIM). The Examiner concluded that one of ordinary skill in the art would have modified Wu in view of Sullivan by using the RIM process to achieve the desired properties.

Although Applicants continue to respectfully disagree with the Examiner, claims 16 to 23, 31 to 33, 35 to 38, 43 and 45 have been canceled.

For at least these reasons, Applicants respectfully submit that claims 16 to 23, 31 to 33, 35 to 38, 43 and 45 are not obvious under 35 U.S.C. § 103(a) over Wu in view of Sullivan. Applicants therefore respectfully request that the rejection of claims 16 to 23, 31 to 33, 35 to 38, 43 and 45 under 35 U.S.C. § 103(a) as obvious over Wu in view of Sullivan be reconsidered and withdrawn.

P-5550-1-C1

09/877,600

Claim 34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Sullivan as applied to claims 16 to 23, 31 to 33, 35 to 38, 43 and 45, and further in view of Molitor (4,674,751). The Examiner stated that Wu in view of Sullivan does not disclose an ionomer blended with the polyurethane in the cover material, but Molitor teaches a cover made from a urethane and an ionomer. The Examiner concluded that one skilled in the art would have modified the cover by including an ionomer to improve the durability of the cover.

Although Applicants continue to respectfully disagree with the Examiner, claim 34 has been canceled.

For at least these reasons, Applicants respectfully submit that claim 34 is not obvious under 35 U.S.C. § 103(a) over Wu in view of Sullivan and further in view of Molitor. Applicants therefore respectfully request that the rejection of claim 34 under 35 U.S.C. § 103(a) as obvious over Wu in view of Sullivan and further in view of Molitor be reconsidered and withdrawn.

Claims 41 and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Sullivan as applied to claims 16 to 23, 31 to 33, 35 to 38, 43 and 45, and further in view of Bayer - RIM Part and Mold design (polyurethanes). The Examiner stated that Bayer teaches the use of glycolysis, a new way to convert polyurethane materials back to their original raw materials, therefore one skilled in the art would have modified the invention of Wu in view of Sullivan by adding recycled material to decrease manufacturing costs.

Although Applicants continue to respectfully disagree with the Examiner, claims 41 and 44 have been canceled.

For at least these reasons, Applicants respectfully submit that claims 41 and 44 are not obvious under 35 U.S.C. § 103(a) over Wu in view of Sullivan and further in view of Bayer - RIM Part and Mold design (polyurethanes). Applicants therefore respectfully request that the rejection of claims 41 and 44 under 35 U.S.C. § 103(a) as obvious over Wu in view of Sullivan and further in view of Bayer - RIM Part and Mold design (polyurethanes) be reconsidered and withdrawn.

P-5550-1-C1

09/877,600

Claims 16, 20 and 24 to 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cavallaro (5,759,676) in view of Sullivan (5,356,941). The Examiner stated that regarding claims 16 and 20, Cavallaro discloses a golf ball comprising a core and a polyurethane cover, but Cavallaro does not disclose reaction injection molding. The Examiner further stated that Sullivan teaches a game ball comprising a cover formed by reaction injection molding (RIM). The Examiner further stated that regarding claims 24, 25 and 28, Cavallaro discloses a cover with a flex modulus of at least 80,000 psi; regarding claims 26 and 27, the cover has a Shore D hardness of 70; regarding claim 29, since the cover is harder than the core material the flex modulus will also be higher; and regarding claim 30, the cover includes two layers. The Examiner concluded that one of ordinary skill in the art would have modified Cavallaro in view of Sullivan by using the RIM process to achieve the desired properties.

Although Applicants continue to respectfully disagree with the Examiner, claim 16, 20 and 24 to 30 have been canceled.

For at least these reasons, Applicants respectfully submit that claims 16, 20 and 24 to 30 are not obvious under 35 U.S.C. § 103(a) over Cavallaro in view of Sullivan. Applicants therefore respectfully request that the rejection of claims 16, 20 and 24 to 30 under 35 U.S.C. § 103(a) as obvious over Cavallaro in view of Sullivan be reconsidered and withdrawn.

Claims 1 to 15, 22, 24, 26 to 28, 37, 42 and 45 to 47 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 13, 21, 23 to 26, 33, 42 and 43 of copending Application No. 09/040,798. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because the present invention and the '798 application both claim the process of making a golf ball comprising making at least a core and a cover component by mixing two or more reactants. The Examiner further stated that the '798 application produces a product with a flex modulus from 5 to 310 kpsi in a reaction time of 5 minutes or less, and the present invention claims a product with a flex modulus from 1 to 310 kpsi in a reaction

09/877,600

P-5550-1-C1

time of less than 2 minutes. The Examiner concluded that varying the reaction time of the product is an obvious modification of the '798 application that would promote the desired and/or optimal characteristics of the product.

Although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants herein submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant applications, as required under MPEP § 1490. Applicants respectfully submit that this overcomes the rejection.

Claim 39 does not appear to be rejected in the Final Office Action of September 17, 2004. Claims 1 to 14 were only provisionally rejected under the judicially created doctrine of obviousness-type double patenting, and a terminal disclaimer has been filed.

The Examiner is invited to telephone Applicant's attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims. Applicants respectfully request allowance of claims 1 to 14 and 39, the claims currently pending.

Respectfully submitted,

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Date: October 5, 2004

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